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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,594	05/24/2007	Andrea Battocchio	2006-0431A	2800
513 7590 01/07/2009 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER PHAN, HAU VAN	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 01/07/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,594	<b>Applicant(s)</b> BATTOCCHIO, ANDREA	
	<b>Examiner</b> Hau V. Phan	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/24/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 3/24/2006 is being considered by the examiner.

### ***Abstract***

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the preamble recites “steering device” is not clear, whether “A steering device” or many steering device.

Regarding claims 1 and 20, the term “by means of” renders the claim indefinite, because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1, the quote “ in front of the term “element” in line 3 is not clear, what is refer to.

Regarding claim 1, the phrase “adapted to swing relative to said chassis” is not clear, which direction the carriage swing to.

Regarding claim 1, the phrase “at least two of said supporting and sliding elements are supported by said carriage at respective support axes arranged in a manner that is substantially parallel to said supporting surface on opposite sides with respect to the swing center of said carriage relative to said chassis” is not clear, because the supporting and sliding element are sliding on support surface, which can not parallel to the support surface.

Regarding claim 2, the term “i.e.” renders the claim indefinite, because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 20, it is not clear what further limitation of the claim is.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-8, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schultz (1,157,049).**

Schultz in figures 1-3, discloses a steering device for sports articles adapted to slide on a supporting surface a plurality of supporting and sliding elements (7) provided in an in-line arrangement. The steering device comprises a chassis (1), to which there is associated at least a carriage (9) for supporting at least one of the supporting and sliding elements. The carriage being adapted to swing laterally relative to the chassis, against the force of elastic means (12), about an axis (not shown, along the screw (11)) that is inclined by an angle  $\alpha$  with respect to the supporting surface and lies substantially on the median longitudinal plane (see figure 2) of the chassis characterized in that at least two of the supporting and sliding elements are supported by the carriage at respective support axes (8) arranged in a manner that is substantially parallel to said supporting surface on opposite sides with respect to the swinging centre of the carriage relative to the chassis.

Regarding claim 2, Schultz discloses the chassis having approximately in correspondence to at least one of the end portions thereof, a support member (5) that is provided with at least a surface that is inclined by an angle relative to the supporting

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surface. The angle is being preferably complementary to the angle between the screw and support surface.

Regarding claim 3, Schultz discloses the carriage, which is provided with an arm for the connection to the support member. The arm featuring a surface facing towards and counter-shaped, i.e. shaped complementarily, to the surface of the support member.

Regarding claim 4, Schultz discloses the opposite sides with respect to the arm there extend a first and a second fork (see figure 3), each one of which supporting a respective one of said supporting and sliding elements (7) in correspondence to the support axes (8).

Regarding claim 5, Schultz discloses the elastic means (12) interact with the arm to elastically contrast the swinging movement of the carriage.

Regarding claim 6, Schultz discloses the elastic means, which are housed within respective accommodations (see figure 1) provided in the support member and interact with respective projections extending from the arm.

Regarding claim 7, Schultz discloses the swinging axis, which is inclined by an angle comprised between, but not including,  $0^{\circ}$  and  $90^{\circ}$  in respect to the supporting surface.

Regarding claim 8, Schultz discloses the swinging axis extending approximately in correspondence to, or above, the support axis of the supporting and sliding element located adjacent the middle portion of the chassis.

Regarding claim 20, Schultz discloses the sports article adapted to slide on a

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supporting surface by a plurality of supporting and sliding elements aligned along a same longitudinal axis comprising a steering device.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz (1,157,049) as applied to claim 20 above, and further in view of Meyer (2,998,260).**

Schultz discloses the supporting and sliding elements comprising wheels, but fails to show the wheels, which can be interchangeable to ice blades, short skis and the like.

Meyer in figures 1-4, teaches an interchangeable skate, which can be changed from wheels to ice blades, short skis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the steering device of Schultz with the concept of interchangeable skate, which can be changed from wheels to ice blades as taught by Meyer in order to provide convenience to the user in economy and don't have to carry duplication of shoes.

***Allowable Subject Matter***

11. Claims 9-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hau V Phan/



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Primary Examiner, Art Unit 3618